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Journal of the American JUDICATURE Society

VOLUME 41, NUMBER 6

★ *What Is That in Thine Hand?*

Editorial

★ *Judicial Procedures Compared*

by **Richard Hartshorne**

★ *Juvenile Court Judges Plead for More Adequate Facilities*

by **Harry W. Lindeman and Irving Ben Cooper**

AMERICAN JUDICATURE SOCIETY • CHICAGO, ILLINOIS

The American Judicature Society

TO PROMOTE THE EFFICIENT ADMINISTRATION OF JUSTICE

Founded in 1913 by Herbert Lincoln Harley

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Law School Graduates . . .

This sample copy of the *Journal of the AMERICAN JUDICATURE SOCIETY* comes to you with the compliments and good wishes of the Society's members. Please see the editorial "Pro Bono Publico" on page 164. You are cordially invited to enroll for a free trial subscription to the *Journal* by filling out and returning the attached Post Card.

Journal of The American JUDICATURE *Society*

Vol. 41, No. 6

April, 1958

GLENN R. WINTERS, *Editor*

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What Is That in Thine Hand?

"THE Supreme Court shall have a general superintending control over all inferior courts."

These words from the constitution of the state of Michigan are echoed in the constitutions of some fifteen other states, and the power there expressly granted is clearly implied in other provisions and long-accepted judicial interpretations thereof in still more states.

What does superintending control mean? Merely the correction of errors when they are appealed? That is not what the superintendent does on a building construction job, nor in a high school, nor anywhere else in human life. A superintendent takes active charge of the work and sees that it is done, done right, and done on time.

For many years American judges have known about this clause in their state constitutions, but have shrunk from asserting the authority it placed in their hands and from the responsibility which it entails. Even the Supreme Court of Michigan, in spite of that constitutional provision, went to the legislature for authorization to set up the office of court administrator in 1952. It may have been politically expedient to do so, but in the face of a constitutional mandate like that, the 1952 statute was a mere gesture and there is nothing the legislature could do to add to or detract from the authority already so clearly possessed by the state's highest court.

In 1935 the Michigan legislature passed an act creating the State Bar of Michigan and "authorizing" the Supreme Court of Michigan to adopt rules for its organization and regulation. But when the Court promulgated those rules, it rejected the purported statutory authority and declared that the State Bar existed "pursuant to powers of the Supreme Court over the bar of the State."

Curiously, something like that now seems to be taking place with respect to the same court's superintending control over the rest of the state judiciary. In a recent series of regional judicial conferences, the judges have shown a commendable concern for the problems of the state judiciary as a whole, and they have gone back to the constitutional power of superintending control for authority for it.

Here are some other states with "superintending control" provisions similar to Michigan's: Arkansas, Colorado, Iowa, Kentucky, Louisiana, Missouri, Montana, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, Wisconsin, Wyoming. To these may be added Florida by virtue of two supreme court decisions, *Ex Parte White*, 4 Fla. 165, and *State v. Gleason*, 12 Fla. 190. (The Colorado and Montana provisions are qualified by "such regulations and limitations as may be prescribed by law." In Louisiana the power has been held to be limited to writs and orders in aid of the court's appellate jurisdiction, *Keegan v. Comm's.*, 154 La. 639). In California the superintending power was vested in the judicial council in 1926, and its exercise by that body has been of immeasurable value to the administration of justice in that state.

When Moses stood before the burning bush and protested his weakness, God said, "What is that in thine hand?" It was only a stick of wood, but Moses found that it could be used to perform miracles. Supreme court judges—what is that in your hand? It, too, can perform miracles. Use it!

"PRO BONO PUBLICO"

More than 10,000 law students will be graduated from American law schools during the next few weeks. To each of them we say—Congratulations, and may you go on to a rewarding and enjoyable career in your chosen profession.

As you enter the practice, you will find a conflict between two aspects of your professional life, both of which are identified by picturesque nicknames. One is "bread and butter." The other is "*pro bono publico.*" A bread and butter activity is one that brings in the money to buy the groceries. Writing a will is a bread and butter activity, and so is a bar association institute on how to write better wills or get more wills to write. *Pro bono publico* is a Latin phrase, "for the public good." Drafting and promoting legislation to improve the testamentary laws of the state is a *pro bono publico* activity.

Most of us need no urging to earn our bread and butter, but many of us are tempted to sidestep *pro bono publico* activities as the pressure of life mounts. Theodore Roosevelt said, "Every man owes some of his time to the upbuilding of the profession to which he belongs," and John J. Parker, late chief judge of the fourth federal circuit, said, "The administration of justice is the lawyer's business."

May we urge you beginning lawyers to remember these two sayings and to give some of your time and energy to *pro bono publico* as well as bread and butter work?

Not all of it, of course, for if you try that you will become disgusted and go to the other extreme. Try to achieve a sensible balance between the two. And from the start. Don't think that the bar association is something to dabble in after you have made your pile. There is a need and a place for young lawyers in the local, the state and the American bar associations. As soon as you are admitted, join them and take part in their activities.

To help acquaint you with that part of the lawyer's business spoken of by Judge Parker, the American Judicature Society is sending to each law school graduate, through the cooperation of the American Law Student Association, a sample copy of this issue of the Journal and an invitation to a free trial subscription. This comes to you with the compliments of the Society and its 15,000 members, and we hope that you will read it and like it well enough to become a regular reader and ultimately a member of the Society.

Any graduating law student who does not receive his sample copy and subscription offer through his student bar association may write direct to the Society's office at 1155 East Sixtieth Street, Chicago 37, Illinois.

BREAKFAST MEETINGS SET FOR ST. LOUIS, LOS ANGELES

The 1958 annual meeting of the American Judicature Society will be held in the Garden Room of the Hotel Statler, Los Angeles, California, on Wednesday, August 27. It will be a breakfast meeting beginning at 8:00 a.m.

Warren Olney III, recently appointed director of the Administrative Office of the United States Courts, will address the group on the work of his office and its relation to the federal courts. The meeting will conclude with election of directors and officers for the coming year and such other business as may come before it.

As a part of the Midwest Regional Meeting of the American Bar Association to be held in St. Louis, June 12-14, the American Judicature Society will hold a breakfast meeting at 8:00 a.m., Friday, June 13, in the Boulevard Room of the Sheraton Jefferson Hotel.

Louis A. Kohn, Chicago, will tell the story of the campaign for revision of the judicial article of the Illinois constitution, which passed the legislature a year ago and will go to the voters this November. Mr. Kohn is counsel to the Committee for Modern Courts and was vice-chairman of the Joint Committee on the Judicial Amendment which drafted the plan.

All interested persons, and their ladies, are invited to both of these meetings whether or not they are members of the American Judicature Society. Tickets for each may be obtained at the luncheon ticket counter in the American Bar Association convention headquarters.

Court Procedures Compared

—in the United States, England, Germany, Italy, Sweden.

By **RICHARD HARTSHORNE**

WE MUST not be too sure, simply because we have been accustomed to doing a certain thing in a certain way, that that is the only way it can, or should, be done. This was brought home to the writer on his visit last summer to the British Isles and certain other European countries, in connection with the London sessions of the American Bar Association. An entire meeting of its Section of Judicial Administration was arranged to demonstrate this, in part, to its members who attended these London sessions, by having them addressed on British court procedure by several British judges. The first address was given by a trial judge, the second by an appellate judge, the third by one who constantly practiced before various administrative tribunals.

At the very moment that administrative procedure in England was being discussed before the Section of Judicial Administration, the Royal Commission which had been studying administrative procedure in the British Isles, filed its written report in that regard, recommending a series of changes, chief of which was that there should be an absolute separation between the adjudicating body and the prosecuting body. Indeed, in this report the long American struggle to that end, which culminated relatively recently in the Federal Administrative Procedure Act, was cited as a precedent for the British conclusion.

As developed by the above British judges, it appeared generally, however, that the American system of court procedure largely followed its British antecedents, with but three major exceptions. The first exception is that jury trial has been almost abandoned in the British Isles, except in the trial of criminal cases. This came about not as a result of legislation, but as a result of the practical conclusion by the British bar and the British public that equally effective and equally fair justice could be obtained, and with much less delay and expenditure of money, with the use of a judge alone rather than with a judge and a jury. The next difference is that, except in rare and complicated cases, the decision on all trials is rendered almost immediately by the judge or judges as they sit on the bench, a great saving of time indeed. Finally, it was noted that the British judge felt more free than did his American counterpart, to participate actively in the trial itself, in the asking of questions, and in the control of counsel. In short, the British judge is less of a mere moderator of the trial and more of a participant. Granted that a judge is able and impartial, it is certainly clear that his active participation in the trial cannot but make the trial more effective and just. As

for prompt decisions, it takes but small consideration to make clear the fact that these decisions save the judge much time for other work, and that at that time, at the close of the testimony, he doubtless has the situation much more clearly in mind than if he reserves decision for any extended period. But, of course, this cannot be done in complex, intricate situations, where either the facts or the law requires further consideration.

It had been the intention of the writer, in planning his trip abroad, not only to make this comparative survey of British courts, but to add thereto a similar survey of the Italian and the Swedish courts. Thus, when he arrived in Rome he at once communicated with his long-time friend and former law student, Alexander Matturi, Esq., now of the United States-Italian Conciliation Commission sitting in Rome. To his regret, Mr. Matturi informed him that the situation in Italy was similar to that in London, the Italian courts having recessed for the summer some days previously. However, Mr. Matturi kindly visited the writer, and in a lengthy conference gave him a bird's-eye view of the practice of law in Italy and the methods of the Italian courts, so different in many ways from our own.

Italian Lawyers Take Siesta

For instance, while the Italian lawyer starts his office work at practically the same time as does the American lawyer, he stops work at noon. Then he takes a siesta of some two to three hours, during which time, if he is near home, he goes home not only to eat but to rest, and if not, he eats and rests in his club, or wherever he may choose to do so. He returns at 2:30 or 3 P.M., and thereupon continues his office work until 6 or 7 o'clock, returning home for dinner about 8 or 9 P.M. While the hot summer weather in Rome and Southern Italy makes this a very sensible *modus operandi,* and doubtless gave it its origin, the fact is that this regimen is kept up by the practitioner all year, winter and summer. Doubtless this would not be appealing, at least to those American lawyers who have to commute a substantial distance to their homes.

Italian court procedure also differs substantially from its American counterpart. For example, cross-examination, which the Anglo-saxon lawyer considers such an effective aid to ascertain the truth, is almost unknown in that aspect in Italy. This is for the reason that no Italian lawyer can ask questions of any witness as he sees fit, firing one after the other at the person on the stand, without giving him any great chance to contemplate their ultimate effect. For the Italian lawyer must submit every question he asks beforehand to the judge, and the judge may decide either to modify the question, or even not to permit him to ask it at all. It is easy to see that this practically wipes out the art of cross-examination in ascertaining the truth. Another surprising Italian court

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method is that no party, be he plaintiff, defendant, or prosecuting witness in a criminal case, is permitted to testify under oath in the case at all. This is apparently on the theory that so great is that individual's interest in what he would say, that he is not to be believed. On the other hand, such a person may make a statement not under oath, and if this statement goes to facts which are not otherwise controverted, those facts may be considered as established. Of course, it is well known that there is a further difference between the English common law and the Italian civil law. This is that in criminal cases, there is no presumption of innocence in Italy. On the other hand, contrary to what many suppose, there is no presumption of guilt, after a charge has been made. In fact, the Italian Constitution of 1948 expressly provides: "The defendant is not considered guilty until final conviction." The true principle under the criminal law in Italy is that the burden of proof of guilt rests with the procescution, not beyond a reasonable doubt, but by the greater weight of the credible evidence.

Germans, Swedes, Use Lay Judges

After leaving Italy, the writer flew north to Sweden. It should be remembered that it takes approximately the same time to fly from New York to Chicago, as it does to fly over the Italian Alps, the Swiss Alps, the German Republic, the Kingdom of Denmark, and halfway through Sweden. On the other hand, while the changes in court procedures from New York to Chicago are not substantial, the changes in such procedure in the various European nations covered by this similar flight are indeed, substantial.

Not only are the differences between Italy and Sweden indeed marked, but in Germany, where the writer attended a trial several years ago, we find procedure which differs from that in either Italy or Sweden. As a single instance, in Germany in the mercantile divisions of the courts of general trial jurisdiction—Landgerichte—which handles all civil matters arising under business contracts and dealings, the bench in each instance comprises not only a law judge, but two businessmen, who act as lay judges. These lay judges sit with the presiding judge, wear robes, and have an equal voice with the law judge in the decision. Indeed, they may even outvote him. These lay judges are appointed for a term of years, being selected by reason of their character, experience and standing in the business community. However, in order not to interfere unduly with their regular occupations, they sit from time to time by rotation. This system, of course, has the advantage that it gives the law judge the benefit of their practical business experience, which he largely lacks, in much the same way as do the businessmen on the American jury, but with the additional advantage that these lay judges are in a position to advise the law judge fully, and, in fact, to question the witnesses as to the existence and nature of important customs of the trade which are material to the case.

Similarly, in labor cases Germany has a special tribunal, organized along similar lines, with one employer and one labor representative sitting on the bench with the law judge. In Germany the courts also have the right to use independent experts appointed by the court to testify in cases involving their expertise. This expert does not sit with the judges and advise *in camera*, but, unless he submits by agreement a mere written report, he is examined in open court by both sides.

On the criminal side, minor offenses, as in this country, are charged by way of information. As to major offenses, which we would here denominate as crimes, a law judge is appointed to sit, substantially as does the "one man grand jury" in Michigan. This official not only passes on the evidence of the prosecution, but hears the accused, if the latter is willing to testify, in order to determine whether there is

reasonable cause to believe that the crime has been committed. In fact, this procedure, the writer is informed, in substance exists in Italy and France, as well as in Germany.

Upon my arrival in Stockholm, it was a great relief to find that the Swedish courts were in full swing, doubtless due to the fact that there is a great change in temperature from hot Rome to the cool Scandinavian peninsula. So, under the escort of a claims attorney of the largest casualty insurance company in Sweden, the writer was promptly accompanied to a court trial. This trial was of a man who had allegedly stolen a car, quite as common a crime in Sweden as in the United States. This car had been covered for theft insurance by this insurance company.

Sweden Tries Civil and Criminal Together

The first surprising thing in Swedish court procedure is that the court tries both civil and criminal aspects of a situation at one and the same time. In short, the man was put on trial by the District Attorney's office for his theft, and at the same time put on trial by the owner of the car, through the insurance attorney, for the loss in money value of the car to the owner. Obviously, this holding of two trials at once saves much time. Indeed, the Interstate Commission on Crime, with which the writer was once connected in an extracurricular capacity, gave this method of procedure serious consideration. However, it reached the conclusion that it was not practicable in this country, primarily due to the fact that the burden of proof in a criminal case in this country differs from that in a civil case. Thus, theoretically a jury might perchance find a person not guilty of the theft of a car as a crime, but liable to the owner in damages for converting the car. Such a possibility, the Commission concluded, made the proposed remedy quite impracticable here.

The next point of difference from American procedure was in the tribunal before which this combined civil-criminal trial occurred. The case was tried before a judge and what we would roughly call a jury. But, in the first place, the judge sat without any gown and, of course, without a wig, and in the middle of a bench, with the *"nämndemän"*—lay judges—sitting on each side of him. Furthermore the law judge not only consulted with the lay judges, 7 to 12 in number, during the trial, but he also retired to their chambers with them for the consideration of the verdict after the trial. This, of course, means that in Sweden there is no charge to the jury, such as is known in our jurisprudence, since these laymen are legally not jurors, but lay judges, such as existed theoretically, on New Jersey's highest court up to the adoption of its new Constitution in 1947. This is indeed a great boon to the trial judge, since often, at a trial here, it is the judge as well as a criminal defendant who is tried. Indeed, this system also has real advantages from the standpoint of justice. For it has long been clear to this judge that even if we make the charge to the jury as clear as possible, the jury often misunderstands, and this misunderstanding cannot but result in a verdict contrary to the law, a serious error, which is undetectable in most cases. That this misunderstanding of the judge's charge, or willfull disregard of it, is a very common occurrence in many negligence cases, can be ascertained by reading the recent questionnaire sent out in the Tenth Federal Circuit to the many hundreds of jurors called in that circuit over a substantial period of time. Over 80 per cent of these many jurors frankly admitted that in negligence cases they refused to follow the judge's charge to find a verdict for the defendant, whenever they found plaintiff to be causatively negligent. In such cases they simply considered the plaintiff's negligence as bearing on the amount of damages awarded him. In other words, they applied the principle of comparative negligence, de-

spite the charge of the trial judge. Of course, this would not be likely to occur were the judge to be in the jury room with the jury while they deliberated upon the verdict.

It should be further noted here that if seven of the Swedish lay judges disagree with the view of the law judge, they can overrule him. Since the law judge does not deliver a formal charge, and decides the case *in camera* with the lay judges, some in this country might wonder how it can be determined that the proper principles of law were applied by this Swedish tribunal in the decision of the case. The answer to this is that at the conclusion of each case, a formal decision is rendered on the record by the Swedish tribunal, which includes both findings of fact and conclusions of law. Thus, any such legal error, or even factual finding quite impermissible under the evidence, is made evident. It goes without saying that these formal decisions are generally written by the law judge, but, of course, such determinations are made by the entire tribunal under the conditions above stated. From the standpoint of having the principles of the law applied in fact to the case under consideration, it is clear that this Swedish system has some advantages over the American system, though from other standpoints, of course, our system may be preferable.

There is also another great difference between the Swedish and the American tribunals. For these lay judges, or *"nämndemän"*, are not chosen by lot from a panel which is selected every few weeks. They are selected in cities by the City Council, and in rural districts by the Provincial Council. Moreover, their service is not for a few weeks, but for a term of six years. Of course, they do not serve steadily for six years without regard for their regular occupations. They are only required to serve every other month during this period, and during their service months they sit on all cases to be tried on the day that is assigned to them, which is one day a week, the other *"nämndemän"* sitting on the other days. To be chosen as a Swedish *"nämndemän"* is considered quite an honor, much as it is to be chosen to be a member of a Grand Jury in this country. Since they are chosen by these political councils, it therefore follows, first, that these *"nämndemän"* are usually of exceptionally good character, and also that the political majority of this council usually creates a majority in these lay judges selected by them. But the Swedish bar insists that this is the only way in which politics shows its head in their tribunals. However, it should be noted that their judges are appointed in much the same way as are the federal judges in this country, i.e., by the Crown, but on the recommendation of the Ministry of Justice, the equivalent of the Department of Justice here. While the generally high caliber of the federal judiciary in this country is admitted, it, of course, cannot be denied that politics does play some part in such appointments.

D.A. Cites Criminal Record

Let us turn, then, to the trial of this double-headed automobile theft case. The District Attorney, who in that case was a woman, outlined the entire State's case, giving, in addition to the various charges which she intended to prove, the previous criminal record of the defendant —the latter certainly a radical departure from Anglo-Saxon methods. When this was completed, the court turned to the defendant, represented by counsel, and asked the defendant how he pleaded. The defendant thereupon said he pleaded not guilty.

The issue having thus been drawn, the District Attorney then turned to the defendant and asked him question after question as to the details material to the various charges. Lest the American lawyer be unduly shocked at this, it should be explained that the defendant is not com-

pelled to answer these questions. He may remain silent if he desires to. However, if he does remain silent, in the presence of all these *"nämndemän"*, the inference which these common-sense judges are apt to draw therefrom is quite clear. Therefore, the defendant did proceed to answer this long series of questions, really cross-examination, asked of him by the District Attorney.

It should be meanwhile borne in mind that all these answers by the defendant were not under oath. He had never been sworn. He was simply stating alleged facts which, if they were controverted, could be entirely disregarded by the tribunal. However, just as in Italy, if they were uncontroverted, they were to be considered as established. After the District Attorney had completed her examination of the defendant, the defense attorney then turned to his client and asked him questions to rehabilitate him. At times the law judge himself interposed. Thereafter, in rebuttal, the District Attorney further examined the defendant.

Only thereafter was the real sworn evidence in the case begun. In swearing the witnesses, which is done by the law judge, he has the witness place his hand on the Bible, as in the American courts, but he repeats the oath and makes the witness repeat it after him, phrase by phrase—a very impressive procedure. This sworn testimony continued in due course with all the State's witnesses first, and thereafter with the defense witnesses, with respective cross-examination on both sides, until the conclusion of the sworn testimony. Upon the conclusion of the taking of the evidence, both sides summed up, and thereupon the tribunal retired.

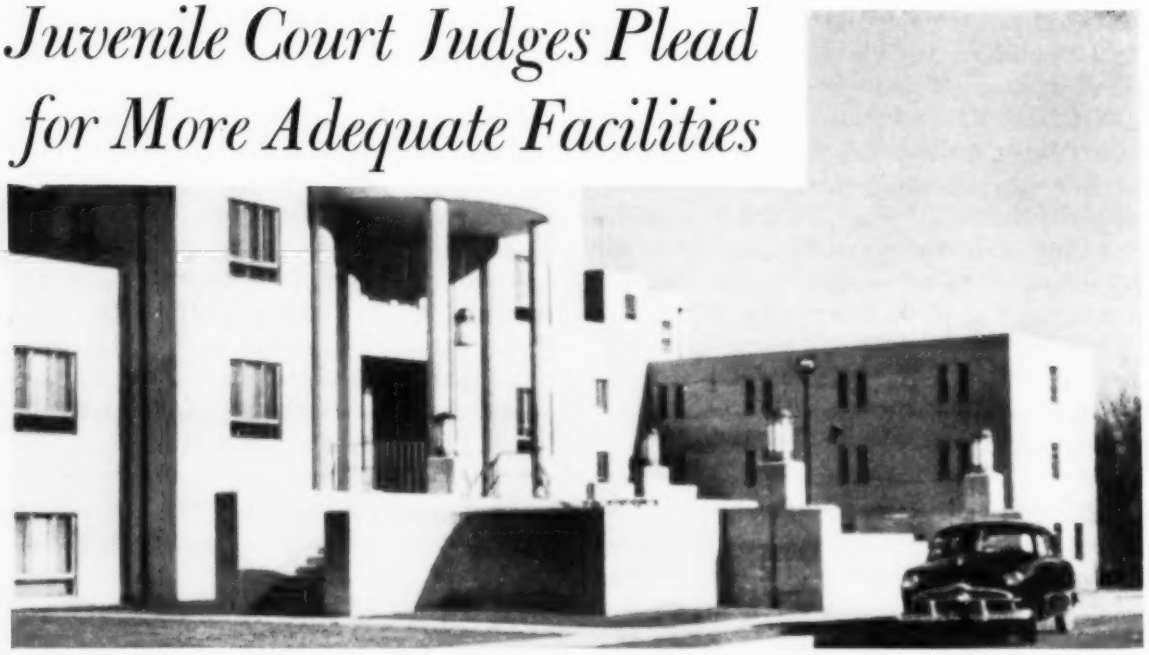
It should be added that these entire proceedings were taken down, not by a court stenographer, but on a sound-recording machine, which the law judge operated himself.

As explanatory of many of the unusual points in the above procedure, it might be noted that in Swedish law there is no presumption of innocence, as there is in the English common law. Nor is there any prohibition against self-incrimination, as included in the United States, and most of our State Constitutions. Under such circumstances, it becomes perfectly rational to permit the state to ask the defendant questions at the very beginning, since it is obviously the defendant who knows more about what he was doing on the day in question than does anyone else. Such questions, therefore, go right to the heart of the matter. The fairness of the procedure, from the standpoint of the difference in status of the sovereignty and the defendant is, of course, a different question.

Ours, Not Theirs, Is Different

Doubtless many of the above procedures sound surprising, not to say amazing, to us. But we must remember that similarly, many of our contrary procedures sound equally surprising and amazing to the inhabitants of the nations in the older continent of Europe. It is thus our procedure which is really novel and strange. In short, we must not be too sure that simply because we have been accustomed to doing a certain thing in a certain way that that way is the only way it should be done. In fact, the writer discussed many of these Swedish differences in procedure with some of the most estimable and broadminded Swedish citizens, and they were quite as convinced that their system was correct, as an American is that the American system is correct. Naturally, we have a predilection for our own system, because that is what we are used to, and have come to consider to be the only right way to do things. But clearly there are certain advantages in other ways of accomplishing the same result. Whether these advantages outweigh the advantages inhering in our system is another question. But the point is that we must not be hasty in our criticism, before we have considered objectively the merits of older, though to us strange, procedures.

Juvenile Court Judges Plead for More Adequate Facilities



NEW JERSEY'S million-dollar diagnostic center, where the combined skills of various professions are focused on finding the cause and cure of juveniles' anti-social behavior.

by IRVING BEN COOPER
and HARRY W. LINDEMAN

"Woefully inadequate facilities are daily accountable for the harmful disposition of court cases involving young people."

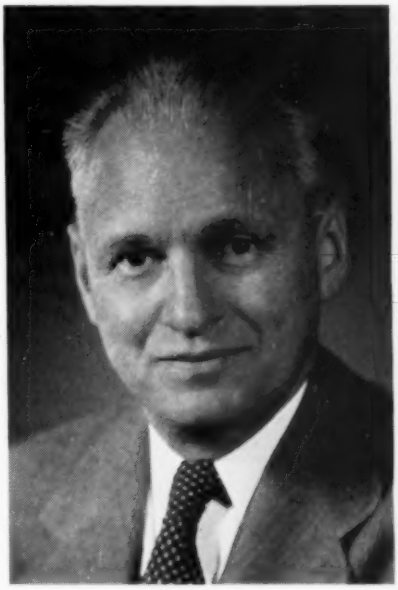
"Given proper tools to work with, the vast majority of all children coming into the jurisdiction of the juvenile court will respond to treatment and grow up into good and useful citizens. If more specialized services were made available to the juvenile court, more juveniles could be helped than are now being helped."

These challenging statements by Irving Ben Cooper, chief justice of the Court of Special Sessions, New York, and Harry W. Lindeman, judge of the Juvenile and Domestic Relations Court of Newark, N.J., keynoted the American Judicature Society's breakfast program on "Juvenile Delinquency and the Juvenile Courts" in the Dinkler Plaza Hotel, Atlanta, Ga., the morning of February 21. Features of juvenile cases which call for specialized treatment were discussed by Chief Justice Cooper, and examples of such facilities used in some juvenile courts and needed in others were described by Judge Lindeman.

Juvenile Court Cases Are Different, Says Cooper

What do you do—asked Chief Justice Cooper—with the brilliant college student who picks up a piece of jewelry in a store so that she can look pretty when she is married in a week or two? With the university boy who in a moment of silliness commits an act of exposure that brings him before the criminal bench? With the attractive young lady who has become a drug addict and wants to marry the source of her supply—a man with a long criminal record? What do you say to her parents standing before you wrung white with the anguish resulting from the arrest? Is it sufficient to rule "guilty," "innocent," "fingerprint," "reformatory," "prison?"

Are we really coping with the broad problems of human life when we permit the community to believe that a criminal court handles only the "untouchables?"



Harry W. Lindeman

Irving Ben Cooper

Young offenders have a long potential for good as well as for evil. But the potential is in them —not in their act. Sentencing the offense rather than the person plunges certain young people headlong into hatred, revolt, community repudiation—into something approaching self-destruction, i.e., moral suicide. Society then has lost a son and gained a wastrel whose depredations may affect the lives of many and cost millions.

After interminable hours of listening to charges and counter-charges, quibbling and evasions, painstaking establishment of self-evident facts, and the final officially established legal description of an act, judges often find themselves merely at the beginning of what they should know in order to act professionally. Why did he commit his act? Others about him, somewhat similarly placed, have not so acted. What was there in his experience to turn him criminal? What of his home, his relations with parents, siblings and neighbors? With social institutions? With peer groups? With friends and boon companions? Who has influenced him? After whom did he mould himself? What variety of activities did he participate in? What has work, love, marriage, parenthood meant to him, and how has he behaved in those relationships? Most important of all, what variety of opportunities was open to him? Did he participate in his culture and cherish it? Was he proud to be an American, a Jew, a Catholic, a Negro? What interests does he now have? What skills? Whom does he love? Hate?

How normal in physical health, mentality, emotional stability, capacity for sustained effort, is he? What were the provocations provided by the complainants and by the community in which he was reared and which set the behavior patterns after which he moulded himself. Was strife and thievery, as with the Spartans, the "mode" of the neighborhood, a black eye a decoration and not a reproach? What capacity for sound living has he shown to date? What is his ability to learn to integrate new experiences? What is his moral potential? What resources will be needed to free this potential? Who stands ready to help him? Can he learn faster in the community, or does he require to be withdrawn from associations and conditions in which he has been formed?

It is inadequate answers to these inquiries that pose the dilemmas of sentencing. Not until the courts which deal with these perilous problems are adequately staffed with the professional skills will we be able to identify the youthful offender with good moral potential, who can be safely returned to the community to line

up with the orderly citizen, from the hair-trigger, perverted or psychopathic first offender who needs institutionalized care. As things stand now, the courts can do little to minimize recidivism; they cannot complete their mission with assurance.

We would be aghast if in the medical field surgery was performed without the surgeon's prior examination of x-rays and relevant medical evidence relating to the patient. That would be tantamount to indiscriminate scalpel incision. Yet we are not far from doing exactly that daily when the equally vital process of sentencing takes place. Who should be confined, or committed for special treatment, or placed on probation under the court's jurisdiction? How can a comparatively fleeting glance at the defendant furnish the answer? With such handicaps, how can a judge discover the course in which the defendant is goings? How to bind up serious wounds with band-aids; and what of re-infection?

Lindeman Cites Successful Use of Court Facilities

Judge Lindeman opened his address with a reference to an example of a juvenile who had become a drug addict, but who had been brought into it by unsatisfactory home, school and leisure-time life. Some people—said Judge Lindeman—have a ready formula for dealing with the delinquent conduct of this boy. There are some who would punish his name; there are some who would fine his parents for neglect; there are some who would forthwith send him to a correctional institution; there are some who would lower the jurisdictional age and send him to the criminal court for judgment and sentence; and there are others who would inflict corporal punishment.

None of these sure-fire methods have any proper place in our thinking as we deal objectively and realistically with the problem here presented.

The juvenile court represents the state in the exercise of its power as *parens patriae*. All of our states have passed laws creating juvenile courts. The statutes in most states declare that the purpose and basic principles are "to secure for each child coming under the jurisdiction of the court such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interest of the state, and when such child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents."

The principle is recognized that children under the jurisdiction of the court are wards of the state, subject to the discipline and entitled to the protection of the state, which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them.

Legislation creating the juvenile court carries with it the obligation to make available to the court the facilities necessary to perform adequately its function and to carry out its purpose and basic principles. Adequate facilities are not available to most of our courts.

For centuries the criminal courts tried to stamp out juvenile delinquency by using against juveniles the worst of punishments provided for adult criminals. History discloses that this method was not a success. As against the centuries of criminal court jurisdiction without success in dealing with juveniles, the history of the juvenile court increasingly points the way to rehabilitation for the vast majority of children coming within its jurisdiction.

Courts in every state have upheld the constitutionality and purpose of the juvenile courts, in line with the pronouncement of the Supreme Court of New Hampshire, which said:

> "We think it sufficiently plain that the Juvenile Court Act is designed to permit the exercise of the powers of the state as *parens patriae* for the purpose of rehabilitating minor children, and not of punish-

***THE HIGHFIELDS GROUP THERAPY PROJECT** at the old Lindbergh estate, Hopewell, N.J., accommodates about twenty teen-age boys and helps them find and correct wrong attitudes and other problems that have led them astray. Four out of five of them have made a successful adjustment.*

> ing them for the commission of a crime. It is generally held that the purpose of such statute is not penal but protective. It is not that the child shall be punished for breach of a law or regulation, but that he shall have a better chance to become a better citizen."[1]

Dean Roscoe Pound said that the establishment of the juvenile court in the United States was "the greatest advance in judicial history since the days of Magna Carta."

The course of the juvenile court in the United States has been set. Its objectives have been approved. There has been enough experience to demonstrate that, given the proper tools to work with, the vast majority of all children coming under the jurisdiction of the juvenile court will respond to treatment and grow up into good and useful citizens.

When the juvenile court concerns itself with individual treatment according to need, it is pursuing a course of action entirely different from proceedings under the criminal code. It must be quite apparent, therefore, that if more specialized services were made available to the juvenile court, and if more specialized services were available in every county and state, that more juveniles could be helped than are now being helped.

The effectiveness of any juvenile court in its rehabilitation work can be measured in most cases by the adequacy and performance of its probation department. The efforts of the juvenile court after acquiring jurisdiction will mean very little if the juvenile is not placed on probation to assure the beginning of rehabilitation efforts.

A professionally trained probation officer becomes the key person through whom the juvenile's weaknesses and strengths are properly evaluated and his goals formulated. In this process the probation officer uses every necessary and available community resource. We are told that over 50,000 additional probation officers are needed to properly staff the juvenile courts. It is short-sighted policy on the part of any county or state to deny to the court not only adequate probation personnel, but

the many other special facilities such as adequate detention centers, proper diagnostic facilities and well managed correctional institutions.

I wish to bring to your attention three specific areas where, to my own knowledge, special facilities for treating delinquency are worthy of your consideration.

The Juvenile Conference Committee

First, to the end that incipient behavior problems be quickly brought under control, New Jersey Supreme Court Rule 6:2-2, promulgated in 1952, provides that the juvenile court judge of each county shall appoint in each municipality a Juvenile Conference Committee. Rules of procedure have been established under which minor and initial offences are heard and disposed of on a voluntary appearance basis within the community where the offender lives.

Each committee in Essex County is chaired by an attorney, assuring that legal rights of the children are fully protected and legal obligations understood. Likewise a representative of the probation department and of the municipal police department of each community are component parts of and represent key personnel strengths of each committee.

Many other professional and lay citizens, totaling more than 175 in Essex County, have gladly volunteered their services on these committees. Five years of experience among the committees of the 22 municipalities in Essex County has demonstrated their usefulness. Their acceptance and use help many children and they respond to acceptable standards of conduct and parental control. Children coming before the committees are not given a juvenile court record. Experience demonstrates that only a small percentage of children who have appeared before the committees are ever brought to the juvenile court.

Another tested facility is the Highfields Group Therapy Project, located at the old Lindbergh estate at Hopewell, New Jersey. Highfields accommodates about twenty boys of the age of sixteen or seventeen, who have not been previously institutionalized. They are placed there by the juvenile courts as part of their probation term for about four months. These boys might otherwise have been committed to a state reformatory for from twelve to eighteen months.

At Highfields, under skilled personnel, group therapy, sometimes called guided group interaction, is used as a means of helping boys discover the reason why they got into difficulty and what their attitudes and actions must be upon release if they are again to take their places in, and make a positive and wholesome contribution to society. Daily guided group discussions by a boy and his peers, which has a rational and realistic approach to the boy's specific problems, often can lead to adoption of commonly acceptable goals as a way of life.

Highfields Group Therapy

A typical ad interim report to the court from the group therapist on a boy at Highfields follows:

> "In some areas this boy continues to improve his way of working out relationships at the Project; in other areas, there has been little or no improvement. He has handled several difficult situations in a manner that has received favorable comment from work supervisors and personnel. He is less demanding and tense in his relationships with me, and his overtly aggressive responses to his peers have diminished somewhat. He is able to discuss verbally his present situation with some insight into the factors that made for his getting into difficulties. He believes that he now will be better able to understand and get along with his father because of his improved feeling about me. He has some insight into his past dependency on his mother and states that he wants to go to work and become independent."

A recent study and evaluation of the Highland Project, involving about 230 boys revealed that 83 per cent of all the boys who completed their period of re-

training in Highfields have made a successful adjustment in the community. A successful adjustment, according to the survey refers to the fact that the boys were still in the free community at the time the study was made. Boys who failed were those who committed a new offense or who violated the rules of probation and were sentenced to a correctional facility following their release from Highfields.

This is not only a more expeditious way of rehabilitating young people in trouble with society, but does so at a substantial saving to the taxpayer.

The Diagnostic Center

The third facility to which I wish briefly to call your attention is the New Jersey Diagnostic Center. It is one of the most significant developments in the history of the treatment of youthful offenders. The Center, unique in the United States and built at a cost of $1,000,000, seeks to discover in each case referred to it what led to the delinquent act.

It has a staff of competent specialists in the fields of medicine, psychiatry and psychology to the end that full and complete diagnostic services are now available to any juvenile the court believes has need for such services prior to final disposition of the case by the court.

The length of stay at the Center is limited to three months. The juvenile is then returned to the court and a full diagnostic evaluation of the child is given, together with recommendations as to what treatment or institutional care will be most effective and curative.

The Center provides facilities by which, for the first time, all that science knows about what makes delinquents act as they do can be concentrated on the motives and impulses of the child before the court. When deemed necessary, the use of hypnosis and sodium amytol is employed to assist in this objective.

There is a hard core of recidivists that present a constant danger to society and to themselves. It is this segment of youthful offenders that demands our greatest curative efforts and challenges the effectiveness of punishment as a cure. Dr. Ralph Brancale, director of the New Jersey Diagnostic Center, in speaking about the recidivists, quite aptly says:

> "We cannot remain unimpressed by the failure of sanctions and penal administration to achieve satisfying and corrective results with the large group of repeating offenders. When such individuals are neither deterred nor greatly influenced by the application of even the most severe penalties, it becomes evident that there must exist in their make-up persistent underlying disturbances sufficiently powerful to cause them to override issues of right and wrong and to impair the respect for responsibilities to which most integrated and adoptive individuals in society adhere. Society, frustrated by the failure to evoke adaptive and conforming responses, resorts to more drastic penal legislation on the theory that increasing the punitive dosage will reduce or stamp out the criminal disorder. Such forms of symptomatic treatment, in which underlying causes are not understood, not attacked, and not removed, are only palliative and rarely curative."

Clearly, progress in treating this class of offender will be made only in proportion to the use of diagnosis, proper classification and the availability of proper curative facilities, according to need.

Other Facilities Needed

In those fortunate areas where adequate psychiatric diagnosis of a child is available, we continually discover that there is a paucity of facilities to meet even the simplest requirements for a child's rehabilitation. Let us look at a few of the prescriptions:

1. "This girl needs a good foster home with someone to trust her and give her

some of the parental love she has missed in her home."

Thousands of boys and girls cannot be so placed either because there are no funds available for such purpose or because there are no foster homes available for children who have had difficulty with the law.

2. *"This lad needs intensive psychiatric treatment."*

Jimmy's parents haven't a ghost of a chance of paying for that kind of help on a private basis, and such treatment facilities are limited to those parents and children who voluntarily seek aid. Why is it not within the range of the clinicians' professional responsibilities to use their resources to gain acceptance of such services by the parent and child in the process of treatment?

3. *"This boy needs the benefit of the State Child Study Home."*

Not a chance! The Home is full to capacity and will be at least six months before a vacancy will exist.

4. *"This girl should be placed in the state institution for the mentally ill."*

Maybe in a year an opening will be available!

We cannot, of course, begin to treat properly our emotionally disturbed children unless their ills are first correctly diagnosed. When once diagnosed, however, we must raise our voice in demanding that adequate and sufficient facilities as called for be made available for the Juvenile Court to carry out its objectives.

Since at least 90 per cent of all complaints before the court are admitted by the offending juvenile, it becomes obvious that from the time of the juvenile's initial appearance the major emphasis of the court must be placed in the field of correction and rehabilitation.

The hearings of a juvenile are not secret; the hearings are not star chamber. They are, however, private and in the presence of all interested and necessary parties. You would not expect a sick person in a city hospital to be treated other than privately. Such a person might need surgery or other forms of therapy, or even isolation in order to recover from an illness. Must the operation be performed in public? Must the curious and even a concerned public sit in and watch the surgeon's knife make the necessary incisions which will correct the ailment? Must the patient because he is in a city hospital be exposed to a press release describing the pain and agony he may have to go through in the process of cure? No indeed! The operation, quite understandably, is private!

Experience has demonstrated that cure can best be assured by the presence of the professional help only, and the principals in the case.

The tragedy is that in the process of attempted cure so many young offenders must be sent to correctional and other institutions for long periods of time. By the time they come to court their conduct is so anti-social or their emotional disturbance so great that the public must be protected by removing them from the community.

The public does have a right to know, and can and should know the methods, procedures, functions and detailed operation of the juvenile court. Judges are willing and anxious to share with the press and the public the problems presented from day to day.

An understanding of juvenile delinquency and the function of the juvenile court is, indeed, a matter of great public interest. Our problem children are entitled to our special attention. We dare not and we ought not ignore them. May we continue to appreciate that every child is of infinite value in the sight of God, and pledge our best efforts toward helping even the least of these become good and useful citizens.

The Practice of Law - Why It Is a Profession

By LEO J. BUCHIGNANI

IN the December issue of this Journal there appeared an article entitled "The Practice of Law—Profession or Trade?", by Mr. Harold F. Porter, Jr. of the New York Bar. The thesis of the article was an endorsement and extension of the decision of the Supreme Court of Colorado in the recent case of *Conway-Bogue Realty Investment Co. v. Denver Bar Association*, (312 Pac. 2d—) wherein the court, in the author's words, "refused to enjoin a real estate broker from preparing (by completing standard printed forms) in the regular course of its business various instruments affecting real property, such as deeds, mortgages and leases, even though doing so constituted the practice of law."

The decision is salutary to the profession, reasons the author, because it helps save the lawyer from his "own deprofessionalization". This unhappy state, we discern, is a sort of "commercialization" that infects the profession when lawyers continue to practice law in a field that has been successfully invaded by laymen. We hope we are fair in summarizing Mr. Porter's message as this: that lawyers should willingly vacate traditional fields of practice, such as conveyancing, when interested groups of laymen have learned enough of the rudimentary techniques of the practice to substitute for the lawyer; that to longer remain is to compete "with laymen for quasi-clerical work"; and that to protect the profession by invoking the statutory prohibitions against unlawful practice is only to promote self-interest. Lawyers, say the author, should confine their practice "to those special activities which they as members of a learned profession alone can perform."

This article has been the cause of considerable comment and concern to lawyers over the country, but to those of us who form that small phalanx of unlawful practice of law committees, the refrain is all too familiar. It is distinguished in this case only by the direction from whence it comes and by the honest misapprehension of its author that the practice of law by laymen in the basic fields is to the bar actually a blessing in disguise, because it forces the lawyer to remain safely in his ivory tower where he belongs.

This thesis, we submit, is dangerous to the bar and public alike and should not go unchallenged. It is the same siren song that is being sung to different tunes all over the country—always, it seems, by those who are profitably engaging in the unlawful practice of law in one field or the other.

This article is frankly an answer to Mr. Porter's article, and an attempt to remind lawyers and laymen alike of the underlying principles that raise the practice of law to the dignity of a profession, and why in the public interest, the integrity of the profession must be protected.

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There is not space here to dwell on the Colorado decision except to point out that it can be seen in perspective only in the light of the Court's own observation that Colorado has three counties with no lawyers, ten counties with only one lawyer, seven counties with only two lawyers and many areas of the state at a great distance from any lawyers at all. This is hardly the condition existing in practically all the other states where lawyers of ability and good reputation are abundant, and their services reasonably priced.

But we are concerned here, not with the Colorado case, which we think is readily distinguished on its face (and poor law at that), but with what makes the practice of law a profession. Is learning (as suggested by Mr. Porter) the only important ingredient of the professional character? Apparently the Supreme Court of Minnesota did not think so when it said in the leading case of Gardner v. Conway (234 Minn 468; 48 NW 2nd 788 (1951)).

> "The law practice franchise or privilege is based upon the threefold requirements of *ability*, *character* and *responsible supervision*. The public welfare is safeguarded not merely by limiting law practice to individuals who are possessed of the requisite ability and character, but also by the further requirement that such practitioners shall thenceforth be officers of the court and subject to its supervision."

Court after court has adopted these principles and many have seen fit to spell out all that is implied in the requirements of character and supervision. Ability is merely a starting point; it is taken for granted! Fidelity, diligence, honesty and above all, undivided and unsullied loyalty to the clients' interest—these are the most intangible yet the most vital and priceless elements of the professional character. Of what value is a peerless legal technician if he is unfaithful to his client? It is to these problems that courts have most often addressed themselves when passing on cases of unlawful practice of law. The Iowa Court has summed it up best in these words:

> "The public, far more than the lawyers, suffers injury from unauthorized practice of law. The fight to stop it is the public's fight. No man is required to employ a lawyer if he does not wish to. But every man is entitled to receive legal advice from men skilled in law, qualified by character, sworn to maintain a high standard of professional ethics, and subject to the control and discipline of the Court. Not only this, he must be served disinterestedly by a lawyer who is his lawyer, not motivated or controlled by a divided outside allegiance.
>
> "Unauthorized practice of law is the attempt by laymen and corporations to make it a business for profit of giving the public, as a substitute, the services of unqualified and unprofessional persons, or to employ and furnish for profit, directly or indirectly, the services of lawyers who may be willing to sabotage professional ethics in order to secure employment.
>
> "In either case, the public is cheated; either by receiving incompetent and unethical advice, or by being served by lawyers who are not disinterested, whose real client is not the person advised but the entrepreneur furnishing the services."[1]

What could be plainer than that?

Is it then merely to protect the financial interests of lawyers that state after state has enacted legislation condemning the unlawful practice of law? Or is it because of the reasons outlined by the Iowa court, and further because the legislatures have believed as did the New York Court of Appeals that:

> "The practice of law is not a business open to all, but a personal right, limited to a few persons of good moral character, with special qualifications ascertained and certified after a long course of study, both general and professional, and a thorough examination by a state board appointed for that purpose. The right to practice law is in the nature of a franchise from the state conferred only for merit. It cannot

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1. Bump, et al v. District Court of Polk County, 232 Ia. 623; 5 N.W. (2d) 914 (1942), quoting with approval 66 ABA Reports 268.

be assigned or inherited, but must be earned by hard study and good conduct."[2]

Is it not the public then that needs protection from those laymen who, to stimulate their own business, pretend to expertness in some narrow field of the law? The Court goes on to say just that in these words: "The reason why preparatory study, educational qualifications, experience, examination and license by the courts are required is not to protect the bar as stated in the opinion below, but to protect the public."

Are these safeguards imposed merely to cover legal proceedings? Not in the view of the New York Court:

> "Is it only in court or in legal proceedings that danger lies from such evils? On the contrary, the danger there is at a minimum for very little can go wrong in a court where the proceedings are public and the presiding officer is generally a man of judgment and experience."
>
> "Not so in the office. Here the client is with his attorney alone, without the impartial supervision of a judge. Ignorance and stupidity may here create damage which the courts of the land cannot thereafter undo. Did the legislature mean to leave this field to any person out of which to make a living? Reason says no. Practicing law as an attorney likewise covers the drawing of legal instruments as a business."[3]

This outspoken attitude of the courts no doubt accounts for the fact that the vast majority of those practicing law illegally are doing so outside the courts.

Now, if the unlawful practice of law were limited to the field of conveyancing the situation would not be so alarming. The sad truth, however, is that laymen and corporations have invaded every field of the practice of law. Real estate brokers (now Realtors) have become "experts" on conveyancing; life insurance salesmen (now Certified Life Underwriters) have become "experts" on estate planning; bank employees (now Trust Officers) have become "experts" on wills and trusts, and generally handle all legal matters connected with estates; independent claims adjusters (now Negligence "Experts") advise on liability, negotiate settlements, prepare releases and sometimes even pleadings. In every branch of the law, it is the same. There is always an "expert" ready to don the mantle of the lawyer to further some business scheme. To vacate the field in every case would be to simply abandon the practice of law as a profession, leaving the fragments to interested groups of laymen to hawk about as a sales premium.

But, it has been said, "What is wrong with that if these laymen can produce legal services more cheaply and efficiently than the lawyers?" *Only this, that the entire idea is false for they cannot produce true professional services at all, since they cannot in the nature of things give disinterested advice or undivided loyalty to the persons whom they seek to represent.* Moreover, these so-called experts are totally unqualified technically to practice even in a limited sphere. As Edwin M. Otterbourg so aptly put it in *"A Study of Unauthorized Practice of Law"* By Edwin M. Otterbourg, 1951:

> "The law is indeed a 'seamless web'; and competent legal advice in any branch of the law necessarily involves a knowledge and application of the fundamental basic principles of substantive law. Legal advice, when sought by the public and relied upon, must come from a person who not only knows the law but knows how to apply it, knows how to marshal the facts, to separate the wheat from the chaff, and to evaluate the results and effects of his advice."

These words are truer today than when Mr. Otterbourg wrote them. Every lawyer knows that the laws grow increasingly complex and interdependent, so much so that even the members of a learned and highly disciplined profession are taxed to stay abreast of developments. Is this a time to relax standards? To allow interested

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2. ***Cooperative Law Co., 198 N.Y. 479, 92 N.E. 15, 16.***

3. ***People v. Alfani, 227 N.Y. 339, 340.***

groups, for their own business expediency, to circumvent and destroy by steady attrition what the courts, the profession and the legislatures have spent centuries building? If this is permitted to happen, then as surely as night follows day, the profession will become demoralized and broken. The incentive to undergo the "long course of study, both general and professional" will be gone; the self-imposed code of ethics will begin to chafe; and "supervision" by the courts will be shunned. Young men of character and ability will find scant reason to enter a profession too weak or too confused to defend its own principles. The practice of law will be divided among interested business groups, each of which will conduct its field in its own best interest. The public will be deprived of both competent and disinterested representation and will, of course, suffer the greatest loss of all. This prediction would sound rash and irresponsible indeed were it not unfortunately already partially fulfilled.

Just as our nation is facing a fight for its very life, so is the practice of law facing its death struggle as a profession. Thus, this is not a time for further surrender, but a time to examine the very foundations on which our profession is built to make improvements where indicated, but to defend stoutly the principles we know to be sound. Every lawyer should take part in this struggle, even if his only act is to better inform himself. To all, we recommend wholehearted support of our bar associations in their increasing efforts to curtail the unlawful practice of law.

Court Congestion and Delay -- What's Being Done to Speed up Justice

USE of the pre-trial conference for promotion of settlements to relieve court congestion has been given a dramatic demonstration in recent weeks in three Connecticut cities—Bridgeport, New Haven and Hartford. Latest of the three was Hartford, where in one week's hard work by judges and attorneys 775 cases were pre-tried and 485 of them settled—a percentage of over 60. Superior Court Judge William J. Shea called the week's results "astounding," and declared that the success of the effort will have an impact on other courts throughout the country.

The entire week was given over to pre-trial conferences, and the courthouse was thronged with litigants, some of them in wheel chairs and crutches, waiting patiently in the corridors while their counsel negotiated in their behalf. Hub of all activity was the central courtroom of Superior Court, where cases were assigned by clerks on a huge blackboard. Judges and referees held hearings in chambers, jury rooms, and even the lawyers' lounge room. Prior to hearings, lawyers met in corridors, on stairs and in lavatories, in settlement discussions of their own. The total scene led one veteran trial lawyer to remark that he had never before seen such an atmosphere of enthusiasm and cooperation in the courthouse.

Chief Judge Samuel Mellitz said that the overwhelming success of the experiment could be credited to the decision of the judges to put "bold emphasis" on settlement. The approach to each new case was about the same. According to an account

in the Hartford Courant, the judge asked the plaintiff what he would be willing to accept and the defendant, in most cases an insurance company, what he would be willing to pay. Only rarely were the figures close.

Insurance company attorneys came into the conference with authorization for top figures their companies would allow, but time after time they went to the telephone and came back with a higher figure.

"We're willing to pay for the nuisance value," they said.

Getting plaintiffs to knock thousands of dollars off their claims was described by one judge as a "softening-up" process. The "softening-up" was accomplished in an informal, chatty, sometimes smoke-filled atmosphere, with the judge sitting at a table with the opposing counsel, prodding them toward agreement. Proceedings were speedy and crisp because they had to be. Jury persuading oratory was cut short ("Look, counselor, I'm not the jury"), and bluntness with occasional heat was the rule.

Suits for as high as $100,000 and $200,000, after a more realistic viewing in the conferences, sometimes wound up being settled for a few hundred dollars.

An estimated 420 cases were settled on the spot, and others came to agreement before the week was out. Pre-trial settlement talks proved themselves last December in Bridgeport, where 903 cases were pre-tried. Of these 446 were settled and the rest set for early trial. Since then all but 25 of the remainder have been either tried or settled after further negotiation.

In some cases where settlement talks bogged down in the few-hundred or $1,000 range, judges ordered them transferred from the Superior to the Common Pleas Court.

Some lawyers looked upon the success of this venture, said the Courant, as a harbinger of more pressure to advance highly controversial proposals for the hearings of negligence cases by arbitration or by an agency similar to the workmen's compensation boards.

More Judges for New York

Having lost general court reform for the present, New Yorkers are left with the most serious court congestion in the nation and the problem of what to do about it. Negligence cases take 41 months to come to trial in Nassau, 38 months in Queens, and 37 months in Suffolk. Two years ago a bill approved by the Tweed Commission to provide additional judges throughout the city was vetoed by Governor Harriman at the request of Mayor Wagner who insisted the city could not afford the expense. This year a measure to provide seven additional judges for the most heavily congested Tenth District—Queens, Nassau and Suffolk—was passed by the legislature with backing of the Tweed Commission, the Judicial Conference and the bar associations, and at this writing was awaiting what was hoped would be favorable action by the Governor. Total cost to the city of the seven new judges was estimated at $112,000.

Los Angeles Congestion at Peak

Although a far cry from New York's huge delays, a 15,000-case backlog and a 13-month waiting period for jury trials, adding up to the worst congestion problem in the history of the Los Angeles Superior Court, has citizens and officials of the west coast metropolis worried. In February Chief Justice Phil S. Gibson assigned five Municipal Court judges to temporary duty in the Superior Court, and promised more temporary assignments as needed, but warned that there is a dire need for a "long term program aimed at the simplification of the administration of justice in California." An experimental night court was held on March 28 before Superior Judge Elmer D. Doyle, for the hearing of domestic relation cases involving delinquent child-support payments by out-of-state fathers.

Bills increasing the number of Munici-

pal Court judges have been introduced in the legislature, but Chief Justice Gibson asked that they not be pressed until the report of a legislative committee which is studying the problem. Presiding Judge Louis H. Burke of the Superior Court has said that a personal injury non-jury division will be established within the near future. Meanwhile, a series of long cases in the criminal court, one of them the widely-publicized Confidential Magazine case, got the criminal docket so far behind that other cases were being postponed for months. Presiding Judge Burke assigned two civil judges to help the eight criminal court judges, and Criminal Master Calendar Judge ordered cases transferred to any court that was momentarily without work.

Philadelphia Uses Arbitration Plan

The Pennsylvania arbitration plan, described in an article in the August, 1955, Journal, has been applied to the clearing of the backlog of cases in the Municipal Court of Philadelphia. More than a thousand lawyers signed up for service on the arbitration boards, which went into operation in February. Use of the boards is mandatory in cases of $2,000 or less, under a law enacted by the state legislature. Each board consists of a chairman and two members, and hears three cases. Lawyers are assigned in alphabetical rotation from the list of those enrolled. Hearings are more informal than in court, and are usually held in the chairman's law office during business hours. The Philadelphia Bar Association sponsored the project.

Detroit Judges Add Hours, Cut Vacations

Judges of the Wayne County Circuit Court, Detroit, under some gentle prodding by the Supreme Court of Michigan, decided last month to double their summer work schedule and cut down on their vacations. For many years the court has met only from 10:00 a.m. to 12:30 p.m. during the two summer months. Executive Judge Frank FitzGerald announced that this summer there would be an afternoon session from 2 to 4:30 also, and that the judges' vacations would be uniform and "commensurate with the condition of the court docket."

A committee of the Akron (Ohio) Bar Association is studying the abuse by some attorneys of the right to ask for jury trial and to request continuances. Police Chief Harry Whiddon has called attention to the burden of these requests for continuances on the police force. One case, involving possession of lottery slips, was continued 13 times. Each time a police officer was there, and it was estimated that this one case had cost the police department 67 man-hours in court time. The committee is recommending that jury demands be filled 24 hours before the case is due in court.

Rule 21 Doubles Output in Houston

Disposition of 656 cases last year in the court of U.S. District Judge Allan B. Hannay, Houston, Texas—more than twice the national average of 282 a year—has been credited chiefly to the application of Calendar Rule 21, which provides that before certain civil suits are placed on the calendar the plaintiff and defendant must submit statements showing that they have taken preliminary steps such as examinations and discovery and interrogatory proceedings, and that the parties have unsuccessfully approached each other as to the possibility of settlement, or the reason why they have not done so. and that the case is in all respects ready for trial. By the time things have gone that far, many of them do settle.

It is well known that there is a psychological disadvantage in being the first to broach the subject of settlement. That is why the pre-trial judge has such a splendid chance to encourage settlements, because he can bring the subject up without embarrassment or disadvantage to either party. The rule making settlement discus-

sions obligatory before the case is put on the calendar tends to serve the same purpose. The rule is in effect in the courts of the other Houston federal judges, and in New York.

Pre-Trial by Masters Proposed

Use of masters in chancery for the holding of pre-trial conferences in Chicago Circuit and Superior Courts was proposed to the judges of the courts last month by Chief Justice Charles H. Davis of the Supreme Court of Illinois, following a suggestion made by a joint committee of Cook County judges and two associate justices of the Supreme Court. Each judge has a master in chancery, an appointive fee officer who relieves the judge of some of the work of holding extensive hearings. Because no funds have been appropriated for the purpose, it would be impossible to pay any masters who volunteered for pre-trial duty. Delays in Cook County courts are now running as high as five and six years.

State-Wide Judicial Reform-- New York, Illinois, North Carolina

New York Legislature Rejects Court Measure and Kills Temporary Commission

REORGANIZATION of the courts of New York, needed with increasing urgency for the past half-century or more, and object of an intensive campaign for the past five years under the leadership of the legislature's Temporary Commission on the Courts, went down to defeat last month as the state assembly rejected the last version of the Commission's recommendations by a vote of 94 to 50 and adjourned without enacting legislation necessary to renew the life of the Commission. Even before the smoke had cleared away, however, there were reassurances from several sides that the fight was not over, and some of the most valiant proponents of judicial reform were not unhappy that this particular version had not passed.

The Temporary Commission was created by the legislature in 1953 with Harrison Tweed, distinguished New York attorney, as its chairman, and with an initial appropriation of a quarter of a million dollars. By 1958 its total expenditures were up to about a million. In 1955 it recommended and the legislature passed a measure doing away with the old judicial council and substituting for it a new Judicial Conference of New York, a nine-member body to exercise administrative powers over the judicial system as a whole. The Commission's main proposal for judicial reorganization came out in 1956—a bulky document which would have created an integrated state court system with unified administration and fiscal control.

The plan was a target for criticism from all directions as soon as it was released to the public, and the political see-saw of compromise and negotiation had gone a long way before it ever reached the floor of the legislature. By 1958 it had been so weakened that some of its leading sponsors had lost interest in it, and although it passed the state senate 49 to 8 it never had a chance in the lower house.

Failure of political leaders to give substantial support, and outright opposition and lukewarm support from judges and bar associations were blamed for the defeat in a statement issued by Chairman Tweed a few days after adjournment of the legislature. He gave credit to the majority lead-

ers in both houses for doing their best, but denounced other top-flight Republicans and Democrats as elusive, inaccessible and uncommunicative, and he remarked that if the Governor was actually on the side of court reorganization, "his leadership and influence with his party would seem to be very feeble." Support for the plan, he said, was found in the general public, and in the press, "which follows," he said, "as much as it leads, public opinion." He also gave credit to a few outstanding leaders of the judiciary, to lay organizations, particularly those concerned with juvenile and family problems, and to "a few—a very few" lawyers.

> "Aligned in opposition," Tweed continued, "and in the forefront of it, were most of the Supreme court justices and the surrogates and many of the county court judges, particularly those taking lucrative advantage of the right to practice law on the side. The opposition of these judges was arrespective of party affiliation or geographical location. In my opinion their opposition was based entirely on self-interest. They want no change in the present state of affairs, and particularly they wish no supervision of themselves or their personnel in the conduct of their business.
>
> "A somewhat similar opposition came from the politicians and was, of course, inspired by the same self-interest. It is a truism that the relationship between judges and politicians is very close and that their combined influence in the legislature is very great."

Mr. Tweed deplored the withdrawal of support by the League of Women Voters "because it seeks something nearer perfection than the proposals of the legislative leaders or the Commission regardless of how long it takes." A statement by Roslyn T. Lea, president of the League, however, sounded persuasive:

> "This plan," she said, "was not only so watered down by political compromise that it contained little if any real reform, but it also bore all the evidence of hasty draftsmanship. It was shot through with errors and inconsistencies."
>
> "We should not be discouraged," she continued, "if we are unable to accomplish a complete revision of a system which has endured for 110 years in so short a time. As the late Judge Vanderfilt, a great leader in this field, remarked 'Court reform is no sport for the short-winded.'"

Mrs. Lea pledged the League to continuing leadership in behalf of court reform, and said: "We hope that the time of compromise and defeatism is now behind us and that we can bend all of our efforts toward obtaining a court system for this state which meets standards which have been agreed upon as fundamental by leading experts and by other states which have modernized their judicial systems."

North Carolina Committee Recommends Unified Court

Reorganization of the judiciary of North Carolina into a single system under the administrative authority of the state supreme court was recommended in a preliminary report issued early this month by a committee of the North Carolina Bar Association which has been studying the judicial organization of that state for many months.

The recommended judicial organization would consist of three divisions:

1. The Appellate Division, consisting initially of the present supreme court.

2. The Trial Court Division of general jurisdiction, consisting of the present superior courts.

3. The Local Court Division, consisting of all trial courts below the Superior Courts. There would be at least one District Court, with limited jurisdiction, in every county. They would sit as often as necessary, depending upon the volume of business, and one or more associate district judges might be used if needed. These would replace a confused and complicated assortment of minor courts now in existence throughout the state.

The recommendations, especially with respect to the minor courts, were based in

large part on a 41page report prepared last month for the committee by Albert A. Coates of the North Carolina Institute of Government. It disclosed that while the supreme and superior courts are in fairly good shape, the minor judiciary is a medley of confusion. Says the report:

> "The committee looks around and sees a lower court system consisting of (1) justice of the peace courts, (2) mayors' courts, (3) 'special act' courts, (4) 'general law' courts, (5) juvenile courts, (6) domestic relations courts, and (7) administrative courts—fourteen to fifteen hundred in all, established by different people, in different places, for different purposes, at different times—with interlocking, overlapping and conflicting relationships."

Other proposals dealing with selection and tenure of judges, practice and procedure, and the jury system will be published later this month by the committee, which is headed by State Senator J. Spencer Bell of Charlotte. The complete report will be submitted to the North Carolina Bar Association at its annual convention in June.

Illinois Looks Toward November

The New York experience may be a preview of what is in store for Illinois, where judicial reform leaders are now readying themselves for an election campaign on the measure passed by the legislature last June and submitted to the voters at the November 1958 election. In Illinois, as in New York, virtually unanimous and vigorous support will be had from the state's press—undoubtedly mirroring as well as leading general public sentiment. Here also, the minor judiciary is mobilizing for all-out opposition to the amendment. Brightest hope of the proponents is the prospect of top-level bi-partisan political support, dramatized when Republican Governor William G. Stratton and Democratic Mayor Richard J. Daley of Chicago both personally attended a meeting in Springfield early last month to renew their pledges to work for passage of the amendment.

> "The proposed amendment is a tremendous improvement over the present article," said Stratton. "The state administration is supporting it unequivocally and completely."
>
> Mayor Daley said:
>
> "We have a fine judicial article. We must tell why it is good for the people, not just for lawyers. If the story is told understandably, the people of the state will approve it."

Important state-wide lay organizations like the League of Women Voters, the Illinois Manufacturers Association, and others, as well as the Illinois State and Chicago Bar Associations, have endorsed the proposal. On the other hand, in spite of the fine spirit evidenced by top party leadership, there are indications of fainter enthusiasm and actual opposition down the line in both political parties.

The campaign for adoption of the amendment is being led by a Citizens Committee for Modern Courts, headed by Gilbert H. Scribner, Jr., Chicago, and Harold Pogue, Decatur.

Alabama, Wisconsin, Michigan

Voters of Alabama will decide at an election in May whether or not to adopt a constitutional amendment changing the state's Court of Appeals from an intermediate appellate court in all matters to a last resort court of criminal appeals, with civil appeals going direct to the state supreme court. The measure is favored by the Court of Appeals judges, who would gain in both dignity and salary, and is opposed by the Supreme Court.

Following defeat of a long-studied court reorganization plan in the 1957 Wisconsin legislature, the legislature authorized the judicial council to continue its study of court organization and submit further recommendations. That study is now under way, looking toward elimination of justices of the peace, extending judicial and elimi-

nating non-judicial duties of county courts, establishment of courts of specialists, and other improvements.

The *Detroit* Bar Association's bill for merger of all Wayne County courts into a unified metropolitan court, often introduced and as often defeated, fell by the wayside again this year following a committee hearing in which Wayne County judges all but unanimously opposed it. So did a proposal for integration of the *Michigan* justices of the peace into an organization similar to the state bar, subject to rules and disciplinary action of the supreme court. The plan was a compromise proposal to replace a plan for abolishing the justices and substituting a system of county and municipal courts, and it had the support of the executive board of the Michigan Justices of the Peace Associations.

Courtroom Publicity -- Cleveland Paper Defies Photo Ban

PROPOSED lifting of the restraints on courtroom publicity imposed by A.B.A. Canon 35 continues to make the headlines following the decision of the House of Delegates at Atlanta to postpone its final decision until the annual meeting in August. The revision recommended by the American Bar Foundation committee and reported in our December issue, which changed the wording but not the effect of the canon, was submitted to the House in Atlanta and the members heard distinguished advocates of both viewpoints present their arguments. Postponement was ordered because of the feeling of some that there had not been adequate opportunity for consideration of the arguments of those who favored adoption of a more lenient policy.

Meanwhile the state of Ohio continues to be a storm center in the controversy, thanks largely to the militant campaign of the Cleveland Press against Canon 35. As long ago as 1953 the Press was defying the photo ban, and in September of that year a photographer, a reporter and the city editor of that paper were convicted of contempt after the taking of unauthorized pictures in the courtroom of Common Pleas Judge Joseph H. Silbert. On February 18 a photographer of the Press took photographs of a murder trial in Judge John J. Mahon's courtroom without his knowledge or consent, and in its issue of March 10 the Press published a half-page spread of pictures which had been taken at a session of the Supreme Court of Ohio itself, without the knowledge of the court and without permission.

Canon 35 is officially in force in Ohio by rule of the Supreme Court, and bar associations in the state urged prompt contempt action against the newspaper. Instead, the Court quoted the canon, observed that some may not understand it, or, "understanding it, choose to disregard it," and then announced a new Rule 29 that "The photographing of a session of a court of this state or the broadcasting or televising of such session is prohibited, and any violation of this rule shall be considered a contempt of that court and punishable as such."

The Press was quick to proclaim that adoption of this rule, rather than punishment for contempt under the canon, was proof of its oft-stated contention that the canon is not enforceable but is only "an

invention of the American Bar Association."

Again on March 24, four days after the announcement of Rule 29, the Press published a six-column photograph of the Supreme Court under the caption "What's Wrong With This Picture?"

Common Pleas judges pondered the new rule and its effect on them. A 1935 decision of the high court had declared that it had no control over the rule-making power of the other courts except through proceedings in error, and some judges speculated that this might make Rule 29 inapplicable in their courts. Others professed not to be able to understand it and wrote to the Supreme Court for clarification.

Finally, on March 28 the 19 judges of the Cleveland Common Pleas Court unanimously adopted a similar rule and each judge signed it personally as applicable to his individual courtroom. Eight of the 13 municipal Court judges took a similar stand.

Other Ohio newspapers have been critical of the actions of the Cleveland Press. Referring to what it called the "ill-advised tactics" of the Press, the Youngstown Vindicator said :

> "The question of whether new camera techniques would or would not prove disturbing is beside the point. A case could be made if the public is denied the right to information. That certainly is not true."

Still more outspoken was the Cleveland Plain Dealer:

> "We cannot bring ourselves to feel that taking pictures in court is the great menace it is held to be by some. Picture taking has improved to such a degree that it creates no physical disturbance. . . That is not the point. The point is that when court rules forbid the taking of pictures by newspapers, the pictures should not be taken, whether editors consider the rules silly and antiquated or whether they do not. The editors, in short, are not running the courts. Absence of courtroom pictures does not interfere in the slightest with the public's 'right to know.' Trials were public and the public knew what was going on long before cameras were even invented, long before anyone ever heard the words 'broadcaster' and 'telecaster.' We believe that the public is entitled to full and complete coverage of all events which make news. But we also believe that court rules should be observed. We do not believe any newspaper does its readers any useful service when it breaks those rules and as long as the rules stand we do not propose to do so."

Photos Taken Through Windows

News photographers in two recent instances have pointed their cameras through windows to take pictures of courtroom proceedings. In Wooster, Ohio, an Akron news photographer was fined $100 and costs by Juvenile Court Judge Don Young for photographing proceedings through a glass door panel from a hallway using existing light. The photographer said he did not know the judge had ruled against pictures, and his newspaper, the Akron Beacon Journal, said the conviction would be appealed.

Developments in Other States

Attorney-General C. S. Beck of Nebraska has filed an information against District Judge James T. English of Omaha charging that he allowed photographs and recordings to be made during a murder trial in violation of A.B.A. Canon 35, and asking that he be ordered to show cause why he should not be punished for contempt. The case is of special interest because of the impending trial of young Starkweather, the youth who went on a rampage a few months ago and killed 10 people. The trial is certain to be widely publicized and there will be demand for all kinds of coverage.

Appearances of judges on television in the role of judges in courtroom scenes is not in the best interests of the administration of justice, according to a ruling last month by the board of governors of the State Bar of California. The State Bar of Michigan made a similar ruling some months ago.

Bench and Bar Calendar

May

1—Law Day, U.S.A.
1-3 —South Carolina Bar Association, Columbia.
1-6 —The Bar Association of St. Louis, "Law in Your Life Week."
2—The Maritime Law Association of the United States, New York.
2-3 —Virginia State Bar Association, Old Point Comfort.
5—The Bar Association of St. Louis, St. Louis.
7-9 —Illinois State Bar Association, Aurora.
8-10—Bar Association of Arkansas, Hot Springs.
8-10—The Bar Association of the State of Kansas, Topeka.
15-16—Utah State Bar, Salt Lake City.
15-17—New Jersey State Bar Association, Atlantic City.
14-18—The Florida Bar, Miami Beach.
19-20—American Bar Association Board of Governors, Washington, D. C.
21-24—American Law Institute, Washington, D. C.
22-24—Ohio State Bar Association, Akron.
25-28—Alaska Bar Association, Juneau.
29-31—Mississippi State Bar, Biloxi.
30-31—Manitoba Bar Association, Brandon.

June

2-6 —American Bar Association Traffic Court Conference, New York City.
4-7 —The Iowa State Bar Association, Des Moines.
8-11—National Association of Attorneys General, Chicago.
11-13—State Bar of Wisconsin, Delavan.
12-14—Bar Association of Tennessee, Memphis.
12-14—American Bar Association Midwest Regional Meeting, St. Louis.
13—American Judicature Society breakfast meeting, St. Louis.
13-14—Massachusetts Bar Association, Plymouth.
13-14—Montana Bar Association, Butte.
15—National Council of Juvenile Court Judges, Ft. Lauderdale, Florida.
18-20—Minnesota State Bar Association, St. Paul.
19-21—Maryland State Bar Association, Atlantic City.
26-28—Georgia Bar Association, Savannah.
26-28—State Bar Association of North Dakota, Jamestown.
27-28—Bar Association of the State of New Hampshire, Jefferson.

July

3-5 —State Bar of Texas, San Antonio.
10-12—Idaho State Bar, Sun Valley.
13-17—Commercial Law League of America, Atlantic City.
17-19—Alabama State Bar, Montgomery.
21-26—International Bar Association, Cologne, Germany.
21-August 1—Seminar for Appellate Judges, New York University, New York City.
31-August 2—The Virginia State Bar Association, White Sulphur Springs.

August

10-16—National Ass'n of Claimants' Compensation Attorneys, Miami Beach.
18-23—National Conference of Commissioners on Uniform State Laws, Los Angeles.
19-23—Conference of Chief Justices, Pasadena. California.
20-22—National Legal Aid Association, Pasadena, California.
21-24—National Association of Women Lawyers, Los Angeles.
22-27—American Law Students Association, Los Angeles.
25-27—The State Bar of South Dakota, Aberdeen.
25-29—American Bar Association, Los Angeles.
27—American Judicature Society, Los Angeles.
28-30—The West Virginia Bar Association, White Sulphur Springs.

September

8-12—American Bar Association Traffic Court Conference, Knoxville, Tennessee.
8-13—The Canadian Bar Association, Toronto.
11-13—Wyoming State Bar, Jackson Lake.
14-17—National Municipal League, National Conference on Government, Colorado Springs.
24-27—Oregon State Bar, Gearhart.
25-26—The Missouri Bar, St. Louis.
26-27—Federal Bar Association, Washington, D. C.

October

2-4 —American Bar Association Regional Meeting, Portland, Maine.
16-18—The Colorado Bar Association, Colorado Springs.
21-22—State Bar Association of Connecticut, Hartford.

December

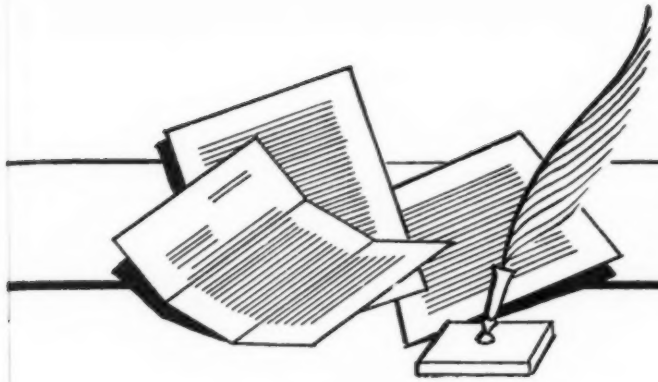
3-7 —Oklahoma Bar Association, Tulsa.
28-30—Association of American Law Schools, Chicago.

1959

February 23-24—A.B.A. mid-year meeting. Chicago.
March 11-13—A.B.A. regional meeting, Pittsburgh.
April 10-20—Inter-American Bar Association, XIth Conference, Miami Beach.
August 24-28—A.B.A. annual meeting, Miami Beach.

1960

August 29-Sept. 2—A.B.A. annual meeting, Washington, D.C.



The Reader's Viewpoint

A Better World

May I congratulate you for publishing and the author for writing the editorial "Christmas Thoughts for Lawyers" in the December 1957 Journal. If these ideas were fully accepted and put into practice, our profession's power for good would be incalculably increased and this distraught world of ours a much better place to live in.

G. M. Paddack

Washington, D. C.

How Do You Open and Close Court?

Does the Judicature Society have any compendium of the various modes of opening and terminating sessions of court? I am not entirely satisfied with the mechanics involved in our present procedures, and hence this inquiry as to what procedures are followed in other courts.

A Federal Judge

Editors Note:

. . The Society does not have such a compendium, but we publish this letter in the hope that other judges who have a good idea to contribute will write us. Please address the Society, and we will forward the information to the inquirer, who prefers to remain anonymous.

More Law Books Needed for Gifts Abroad

You have been generous in helping with the "Law Books for Friendly Nations" project. We estimate that we have now caused some 18,000 law books to be sent to some 33 different nations. These come as a good will offering of American lawyers to men of our profession overseas.

I now have on my desk requests for books that I am unable to fill. These come from some 28 different schools and universities in some 15 different countries. They ask for books on constitutional, international, civil, comparative, commercial, maritime, air and prison law. They ask in some instances specifically for Ruling Case Law, American Jurisprudence, Corpus Juris, and Corpus Juris Secundum. They ask in some instances for the A.L.R. and several request United States Supreme Court Reports. In addition to the above there is a request from 15 universities in England for United States Supreme Court reports, including the advance sheets.

The plan being followed is for the donors to submit lists to me for screening so that we do not send books that are not of use to the recipients. The donor then takes care of the cost of packing the books, the United States Information Agency picks up the books and makes delivery to the parties, and the donee acknowledges to the donor. We will appreciate a bit of additional publicity, for we hate to have these requests unfilled.

Robert G. Simmons

Supreme Court of Nebraska
Lincoln, Nebraska

Lawyers as Jurors

In Mr. Streit's article, "Serving on the Jury," (February, 1958), he states, "Lawyers are among those who are disqualified by their profession from jury duty." Probably for all practical purposes Mr. Streit is correct in this statement, but as far as I can find, lawyers are not *disqualified* in Minnesota but are *exempt* by statute.

I was admitted to the Minnesota bar thirty-

four years ago and have been on two panels In fact I have before me a summons to report for jury duty next month. I admit to the disappointment however of having the privilege of serving as a juror in only one case, concurring with Mr. Streit in the great value of this experience.

SHERIDAN J. BUCKLEY

St. Paul, Minnesota

The Mentally Ill

I found the article "Justice for the Mentally Ill" (August, 1957) very interesting; however I do not agree with some of the points mentioned by "Name Withheld" (Reader's Viewpoint, December, 1957). The writer of that letter appears to have gone through the experience of commitment to a state hospital and thus might not be enlightened on some of the practices in other institutions.

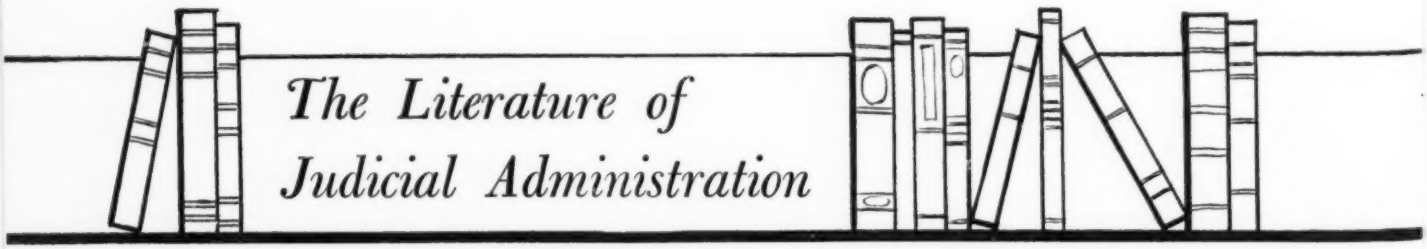
I do not think that commitment should await overt acts. Where competent psychiatric care is available, there is little likelihood that a neurotic or non-conformist will be unjustly held. I agree, that psychotic and non-psychotic patients should be segregated, but not on the ground that being in a closed ward "with abnormal people" is likely to aggravate such an illness. Experience has proved that the pathologic fear of the psychotic is usually relieved and he in fact improves when he is confined to a hospital.

Letting a paranoid person face those responsible for his commitment would be unwise and futile. It is true that informants need to be evaluated in the process of appraising a person considered mentally ill, since they too may be ill themselves.

There is a serious shortage of persons engaged in institutional psychiatric work and many of the ones who are doing this work have little or no training. I agree that shock and surgery should be under board or committee control rather than individual discretion. The day of "giving up" mental patients is over in an enlightened institution.

ORVILLE S. WALTERS, M.D.

U.S. Veterans Hospital, Danville, Ill.



The Literature of Judicial Administration

ARTICLES

The Legal Profession

"As the Public Judges Lawyers," by Don Hyndman. Nebraska State Bar Journal, January, 1958, pp. 8-13.

"I Love My Profession," by Albert J. Harno. Illinois Bar Journal, February, 1958, pp. 452-464.

"Significant Difference Between British and American Practice," by Honorable Charles E. Murphy. The Record of the Association of the Bar of the City of New York, January, 1958, pp. 11-21.

"Defending Our Courts: The Duty of the Legal Profession" by Charles S. Rhyne. American Bar Association Journal, February, 1958, pp. 121-24.

"The Client's Security Fund: 'A Debt of Honor Owed by the Legal Profession,'" by Reginald Heber Smith. American Bar Association Journal, February, 1958, pp. 125-28. 152.

"Bar's Big Menace: Survey of U.P.L. Problems," by Charlotte P. Murphy. The Young Lawyer, April, 1958, p. 3.

The Organized Bar

"Lawyers' Wives: Allies in the Work of the Organized Bar," by Honorable Leon Thomas David. American Bar Association Journal, February, 1958, pp. 141-44.

"Integration of the Bar—Pro and Con," by David M. Klausner and Aaron Marder. New Jersey Law Journal, February 6, 1958, pp. 1, 6.

"The Debate on Integration of the Bar," by J. L. Bernstein. New Jersey State Bar Journal, Winter, 1958, pp. 40-67.

"The Tempest of Integration," by Isaac Gross. New Jersey Law Journal, January 16, 1958, pp. 5-6.

Judges

"A Judge Looks at His Profession: 'Farewell the Plumed Troop and Big Wars,'" by Honorable A. Sherman Christenson. American Bar Association Journal, February, 1958, pp. 117-20.

"The Downfall of the Sitting Judge Principle" by Langdon W. Harris, Jr. The Shingle (Philadelphia Bar Association), January, 1958, pp. 10-14.

"Judicial Retirement: The Age of Judges and the Judge of Ages," by James C. Sheppard. American Bar Association Journal, February, 1958, pp. 145-48, 155.

"State Judicial Selection: Realities vs. Legalities," by John W. Wood. State Government, January, 1958, pp. 17-19.

Courts

"The Law's Delay: The Bar's Most Urgent Problem," by Harry D. Nims. American Bar Association Journal, January, 1958, pp. 27-29.

"Our Courts Are On Trial," by W. O. Murray. Texas Bar Journal, January 22, 1958, pp. 15-16, 49-56.

"The Administration of Justice," by J. M. Goldenberg. The Canadian Bar Journal, February, 1958, pp. 76-87.

Family Court

"A True 'Family Court' Under the Judicial Article," by Benjamin E. Novoselsky. Chicago Bar Record, February, 1958, pp. 225-230.

"Some Practices and Procedures in Children's Court," by Leo J. Yehle, Syracuse Law Review, Fall, 1957, pp. 1-10.

"New Divorce Law in Theory and Practice," by O. E. Beardsley. South Dakota Bar Journal, January, 1958, pp. 19-24.

Jury

"Juror's View," Seattle Bar Bulletin, December, 1957, pp. 1-2, January, 1958, pp. 3-4.

"What Is Truth? A Defense of the Jury System," by John C. McKenzie. American Bar Association Journal, January, 1958, pp. 51-54.

Procedure

"The Rule-Making Function and the Judicial Conference of the United States," American Bar Association Journal, January, 1958, pp. 42-45.

"The Supreme Court of India and Judicial Review," by Marguerite J. Fisher. Syracuse Law Review, Fall, 1957, pp. 30-39.

"Impartial Medical Testimony: A New Audit," by Thomas F. Lambert, Jr. New Jersey Law Journal, February 20, 1958, p. 5.

"The Pre-Trial Conference Conceptions and Misconceptions," by Alfred P. Murray. American Bar Association Journal, January, 1958, pp. 39-41.

"Preservation of Our System of Adinistering Justice in Personal Injury Cases," by Frederick B. Benson. New York State Bar Bulletin, April, 1958, pp. 103-16.

"Settlements and the courts," by Bernard M. Epstein. Chicago Bar Record, April, 1958, pp. 301-4.

"Effective Techniques of Jury Selection and Jury Argument in Personal Injury Cases," by John L. Hill. Texas Bar Journal, April, 1958 ,p. 221ff. (10 pages).

"Commercial Arbitration in Denmark," by Allan Philip. Arbitration Journal, Vol. 13, No. 1, 1958, pp. 16-22.

"The Practice of Commercial Arbitration in India." by G. L. Bansal. Ibid., pp. 23-29.

"Trial by Jury," by Edwin Willis. Louisiana Bar Journal, February, 1958, pp. 177-182. (Historical defense of jury trial in application to civil rights cases.)

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NOTICE TO JUDGES AND TO ALL READERS OF THE JOURNAL

A committee of the American Judicature Society is preparing a handbook for judges. This handbook will contain the canons of judicial ethics, references to interpretations of those canons and also quotations from various works that would be of inspirational and practical value especially to new members of the bench. The Society plans to send a copy of this booklet to every new judge upon his appointment or election. This project is planned to help in the fulfillment of the goal of the Society to promote the efficient administration of justice.

Every reader of the Journal is requested and urged to submit to the committee any quotations (with citations as to source) which would be of inspirational or practical help to new judges. Please send such material to Judge Donald K. Carroll, P.O. Box 87, Tallahassee, Florida.

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JOHN J. PARKER

Late chief judge of the United States Court of Appeals for the Fourth Circuit, and for many years vice-president of the American Judicature Society.